

### **REMARKS**

Applicants have reviewed the Office Action of January 29, 2010. No claims are amended or cancelled. Claims 1, 2, 4, 5, 11, 14-16, 18-22, 26, 30, and 33-35 are pending. Reconsideration is requested.

All claims were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Krochta '164 (U.S. Patent No. 5,543,164) in view of Savolainen (U.S. Patent No. 6,797,810). Applicants note there are two independent claims: product claim 1 and method claim 20. Applicants traverse the rejection.

According to the Examiner, Krochta '164 disclosed a method for preparing a protein-based film by treating a protein to cause disulfide formation and form a denatured protein solution, then drying the solution to form a coating. Krochta also added a food grade plasticizer to the denatured protein solution. Savolainen disclosed contacting a whey protein solution with sulfite ions to cleave disulfide bonds, rendering oxidation unnecessary and speeding up the thiol-disulfide exchange reaction. The Examiner reasoned that it would have been obvious to substitute the sulfitolysis treatment step of Savolainen for the chemical treatment step of Krochta '164 to obtain the advantages taught in Savolainen of omitting oxidation and speeding up the exchange process.

Applicants submit that not all claim limitations are met. In particular, it appears clear to Applicants that both Krochta '164 and Savolainen contemplate that all of their proteins undergo denaturing, or in other words that in their solutions, all proteins are modified and have free sulfhydryl groups which can undergo reaction. The present claims require both modified proteins with sulfhydryl groups and unmodified proteins. Thus, the present claims are different from the combination of references in this manner.

In addition, please note that claim 1 requires the completed protein network to still have free sulfhydryl groups. In contrast, Krochta '164 discusses oxidizing any free thiol groups in column 5, lines 44-53. Savolainen also discusses oxidizing free sulfhydryl groups at column 7, lines 24-38. These two disclosures in the cited references appear to teach away from present claim 1. Claim 20 similarly recites

modified proteins having free sulfhydryl groups. Thus, even if the asserted combination were tenable, which Applicant disputes, the combination does not teach or disclose the claimed subject matter.

For these reasons, Applicants submit that the combination of Krochta '164 and Savolainen do not render the present claims obvious.

### CONCLUSION

For at least the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1, 2, 4, 5, 11, 14-16, 18-22, 26, 30, and 33-35) are now in condition for allowance.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is hereby authorized to call Jay F. Moldovanyi, at telephone number 216-363-9000, Cleveland, OH.

Respectfully submitted,

FAY SHARPE LLP

29 June 2010  
Date

Jay F. Moldovanyi  
Jay F. Moldovanyi, Reg. No. 29,678  
Richard M. Klein, Reg. No. 33,000  
George P. Huang, Reg. No. 57,945  
The Halle Building, Fifth Floor  
1228 Euclid Avenue  
Cleveland, OH 44115  
216-363-9000

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being	
<input type="checkbox"/>	deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
<input checked="" type="checkbox"/>	transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.
	Signature: <u>Karen M. Forsyth</u>
Date: <u>6-29-10</u>	Name: Karen M. Forsyth

N:\LOY2\2000005\GXH0001760V001.docx